

1973 WL 27747 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 29, 1973

**\*1 Lottery**

H. Edward Smith, Esquire  
Brown, Jefferies & Boulware  
Attorneys at Law  
P.O. Box 248  
Barnwell, South Carolina 29812

Dear Mr. Smith:

You have requested that this office advise you as to whether or not Revco, Inc., would be engaged in a lottery by allowing employees with a perfect attendance record to participate in a drawing for a prize of substantial value, such drawing to be held on a monthly basis.

Under the law of this State, there are three elements which are necessary for a lottery to exist. These elements are:

1. The giving of a prize;
2. By a method involving chance; and
3. For a consideration paid by the contestant or participant.

[Darlington Theaters, Inc. v. Coker, Sheriff, 190 S.C. 282, 2 S.E.2d 782](#). Inasmuch as your letter does not set forth sufficient facts to allow me to answer your question with any degree of certainty, I am taking the liberty of enclosing a 1966 opinion of this office which fairly well exhausts the subject of lotteries and the elements required to show that a lottery is being performed.

I hope that the enclosures will be of some assistance to you in this matter and if I can be of any additional assistance please do not hesitate to call upon me.

Sincerely,

Ellison D. Smith, IV  
Assistant Attorney General

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